

**CERTIFICATE OF ELECTRONIC
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I hereby certify that this correspondence for Application No. 10/726,329 is being electronically transmitted to Technology Center 3732, via EFS-WEB, on June 19, 2006.

/David H. Brinkman/ 6/19/06
David H. Brinkman, Reg. No. 40,532 Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Erik E. Emstad et al.
Serial No.: 10/726,329
Filed: December 1, 2003
Examiner: Unknown
Group Art Unit: 3732
Confirmation No.: 3659
Title: **SPINAL ACCESS INSTRUMENT**
Atty Docket No.: ZMS-MI18US (SPN-405)

Cincinnati, Ohio 45202

June 19, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56, and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. Because the requirement (37 C.F.R.

§1.98(a)(2)(i)) for submitting copies of U.S. patents and published applications has been waived, copies of only the foreign cited references and/or other documents are enclosed herewith. A copy of a partial European Search Report received in Applicants' corresponding European Application Serial No. 04251366.3 is also enclosed.

Certification under C.F.R. § 1.97(e)(1)

Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Certification under 37 C.F.R. § 1.704(d)

Each item contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and was not received by any person designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Applicants do not believe that any fees are due in connection with this response. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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